

REMARKS/ARGUMENTS

Claims 1-15 and 18-21 are pending in the captioned application and are finally rejected. Applicants have amended claims 1 and 2. Applicants respectfully request reconsideration in view of the amendments and the following arguments.

The only issue of whether the claims are unpatentable under 35 U.S.C. §103(a), over Wagner et al. in view of Bosman et al., Barner et al., Badley et al., Nelson et al. and Nock et al.

The Examiner states that “Applicants particularly argue that Bosman et al. do not specifically teach that the second form of binding occurs specifically between non-tag elements of the construct.” The Examiner regards this as not persuasive. The Examiner states that “[t]he addition of an active method step specifying that both bonds are formed would obviate this rejection.” (Paragraph bridging pages 7 and 8.) In response, Applicants have amended claim 1, adopting the Examiner’s suggestion. Support for the amendment is in paragraph 24 of the published US application as well as claim 2.

The Examiner states that while Applicants’ amendments in the last response rendered moot the arguments related to the defendant claims, “this type of multiple binding was known in the prior art.” The Examiner cites Nock et al. as proof “that biomolecules with multiple, concurrent forms of binding to supports and other compounds of interest was known in the art, including binding of tags with concomitant covalent binding, as well as other bonds forming the ability to add

additional partners.”

In response, Applicants reiterate the arguments presented before. Applicants submit that Nock et al. do not show binding of a biomolecule to a support surface by both a tag and a covalent bond. It is clear from the figures that only one binding to the surface is used. Nock et al. discusses that the group Z of the trifunctional linker is used for immobilization to the support (Paragraph 0100, also see page 6 of the Office action). While Nock et al. teach that a protein can be linked with another composition through both tag recognition and covalent binding, Applicants submit that there is no teaching in Nock et al. that such is possible for attaching a protein to an “immobilization substrate”. On the contrary, Nock et al. teaches away from the present invention in that all the described embodiments only contain one bond to a solid support.

Furthermore, Applicants submit that as discussed in the specification, the invented method provides improved and unexpected result. “(T)he method permit the formation of covalent bonds between the biomolecule and the immobilization matrix even in the case where the biomolecule to be immobilized could not be brought into proximity with the immobilization matrix in a sufficiently high concentration using conventional methods.” (Paragraph 0081 of the published US application). This is exemplified in the contrasting results of Comparative Example 4 and Practical Example 1. It is further exemplified in Practical Example 12.

Applicants submit that the amended claims are not rendered obvious by the references separately or combined.

Applicants respectfully assert that the claims are in allowable form and earnestly solicit the allowance of claims 1-15 and 18-21.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

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